



AF 3625 *[Signature]*

PATENT
Customer No. 22,852
Attorney Docket No. 8225.0001-00

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Ryan M. ISMERT et al.)	Group Art Unit: 3625
)	
Application No.: 09/741,884)	Examiner: Matthew S. Gart
)	
Filed: December 22, 2000)	
)	
For: METHODS AND SYSTEMS FOR)	Confirmation No.: 5822
MANAGING PURCHASING DATA)	

Mail Stop Appeal Brief--Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL OF APPEAL BRIEF (37 C.F.R. 41.37)

Transmitted herewith is the APPEAL BRIEF in this application with respect to the
Notice of Appeal filed on December 10, 2004.

This application is on behalf of

☐ Small Entity ☒ Large Entity

Pursuant to 37 C.F.R. 41.20(b)(2), the fee for filing the Appeal Brief is:

☐ \$250.00 (Small Entity)

☒ \$500.00 (Large Entity)


☒ Enclosed is a check for \$500.00 to cover the above fees.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this
Appeal Brief, and such extension has not otherwise been requested, such an extension
is hereby requested, and the Commissioner is authorized to charge necessary fees for

such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 10, 2005

By: 
Leila R. Abdi
Reg. No. 52,399



PATENT
Customer No. 22,852
Attorney Docket No. 8225.0001-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed December 10, 2004, and further to Board Rule 41.37, Appellants present this brief and enclose herewith a check for the fee of \$500.00 required under 37 C.F.R. § 1.17(c).

This Appeal responds to the August 11, 2004 final rejection of claims 1-63, which are set forth in the attached Appendix. If any additional fees are required or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

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I. **REAL PARTY IN INTEREST**

The real party in interest is Silver Oak Partners, the assignee of the entire right, title, and interest in the application.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representatives, and assignee are aware of no other appeals, interferences, or judicial proceedings that may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-63 have been finally rejected and are the subject of this appeal. In the Final Office Action dated August 11, 2004, the Examiner rejected claims 1-21 and 43-63 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter and rejected claims 1-63 under 35 U.S.C. § 102(e) as being anticipated by Patent Application Publication No. US 2002/0010686 (Whitesage). In the Advisory Action dated January 6, 2005, the Examiner indicated that the Amendment filed on December 10, 2004, has been entered and overcomes the rejection of claims 1-21 and 43-63 under 35 U.S.C. § 101. Accordingly, claims 1-63 remain rejected under only 35 U.S.C. § 102(e).

IV. STATUS OF AMENDMENTS

Appellants filed a Response to an Office Action on June 23, 2004, amending claims 1-13, 16-17, and 43. Appellants subsequently filed an After Final Amendment on November 12, 2004, amending claims 1 and 43. On December 10, 2004, Appellants filed a second Amendment After Final amending claims 1 and 43, as indicated in the attached Appendix.¹

¹ Appellants filed an After Final Amendment on November 12, 2004 amending claims 1, 22, and 43 to recite “wherein the received purchasing data does not include data identifying each product corresponding to each transaction.” In an Advisory Action dated November 29, 2004, the Examiner indicated that this Amendment would not be entered. The proposed amendment, however, was not made for purposes of patentability, but in an offer to conclude prosecution of this application following an interview with the Examiner. Indeed, independent claim 1, for example, already requires “receiving purchasing data...relat[ing] to purchase transactions,” “identifying...a product related to the transaction,” and “modifying the received purchasing data to include data representing the identified product.”

V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Claims 1-3, 7, 10-16, 18-20, 22-24, 28, 31-37, 39-41, 43-45, 49, 52-58, and 60-62

The subject matter set forth in independent claim 1 relates to a computer implemented method for managing purchasing data, comprising receiving purchasing data from a purchasing entity (e.g., p. 6, l. 9), wherein the purchasing data relates to purchase transactions for a plurality of products purchased by the purchasing entity (e.g., p. 6, ll. 11-12); using a computer 120 to identify, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index (e.g., Fig. 1, 116; p. 7, ll. 4-7; p. 9, ll. 2-21; Fig. 5, steps 515 and 520), wherein the product information in the index associates at least a portion of the received purchasing data with a particular product (e.g., p. 9, ll. 2-21; p. 12, ll. 10-16); modifying the received purchasing data to include data representing the identified product (e.g., p. 21, ll. 7-8); and processing the modified purchasing data to reflect all purchase transactions concerning the identified product (e.g., p. 3, ll. 14-15; p. 21, l. 19 - p. 22, l. 4).

The subject matter set forth in claim 22 relates to a computer (e.g., Fig. 1, 100) for managing purchasing data, the computer comprising a memory having program instructions; and a processor (e.g., Fig. 1, 120), responsive to the programming instructions, configured to receive purchasing data from a purchasing entity (e.g., p. 6, l. 9), wherein the purchasing data relates to purchase transactions for a plurality of products purchased by the purchasing entity (e.g., p. 6, ll. 11-12); identify, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index (e.g., Fig. 1, 116; p. 7, ll. 4-7; p.

9, ll. 2-21; Fig. 5, steps 515, 520), wherein the product information in the index associates at least a portion of the received purchasing data with a particular product (e.g., p. 9, ll. 2-21; p. 12, ll. 10-16); modify the received purchasing data to include data representing the identified product (e.g., p. 21, ll. 7-8); and process the modified purchasing data to reflect all purchase transactions concerning the identified product (e.g., p. 3, ll. 14-15; p. 21, l. 19 - p. 22, l. 4).

The subject matter set forth in claim 43 relates to a computer-implemented system for managing purchasing data, the system comprising means (e.g., Fig. 1, 100) for receiving purchasing data from a purchasing entity (e.g., p. 6, l. 9), wherein the purchasing data relates to purchase transactions for a plurality of products purchased by the purchasing entity (e.g., p. 6, ll. 11-12); computer means (e.g., Fig. 1, 100, 120) for identifying, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index (e.g., Fig. 1, 116; p. 7, ll. 4-7; p. 9, ll. 2-21; Fig. 5, steps 515, 520), wherein the product information in the index associates at least a portion of the received purchasing data with a particular product (e.g., p. 9, ll. 2-21; p. 12, ll. 10-16); means (e.g., Fig. 1, 100) for modifying the received purchasing data to include data representing the identified product (e.g., p. 21, ll. 7-8); and means (e.g., Fig. 1, 100) for processing the modified purchasing data to reflect all purchase transactions concerning the identified product (e.g., p. 3, ll. 14-15; p. 21, l. 19 - p. 22, l. 4).

B. Claims 4, 25, and 46

The subject matter set forth in claims 4 and 46 relate to a method and a system, as set forth in claims 1 and 43, respectively, wherein the product index (e.g., Fig. 1, 116) further includes a weight value for each association of a particular product to a portion of the received purchasing data (e.g., p. 9, l. 22 - p. 10, l. 1), wherein each weight value defines a relative accuracy of the corresponding association (e.g., p. 10, ll. 1-2), and wherein the product identifying step further includes determining, from the index, products associated with a portion of the received purchasing data (e.g., p. 19, ll. 6-8); and identifying the product related to the transaction based on the weight values of the products determined from the index (e.g., p. 19, ll. 21-22).

The subject matter set forth in claim 25 relates to a computer, as set forth in claim 22, wherein the product index (e.g., Fig. 1, 116) further includes a weight value for each association of a particular product to a portion of the received purchasing data (e.g., p. 9, l. 22 - p. 10, l. 1), wherein each weight value defines a relative accuracy of the corresponding association (e.g., p. 10, ll. 1-2), and wherein the processor is further configured to determine, from the index, products associated with a portion of the received purchasing data (e.g., p. 19, ll. 6-8); and identify the product related to the transaction based on the weight values of the products determined from the index (e.g., p. 19, ll. 21-22).

The subject matter set forth in claim 46 relates to a system, as set forth in claim 43, wherein the product index (e.g., Fig. 1, 116) further includes a weight value for each association of a particular product to a portion of the received purchasing data (e.g., p. 9, l. 22 - p. 10, l. 1), wherein each weight value defines a relative accuracy of the corresponding association (e.g., p. 10, ll. 1-2), and wherein the product identifying

means further includes means for determining, from the index, products associated with a portion of the received purchasing data (e.g., p. 19, ll. 6-8); and means (e.g., Fig. 1, 100) for identifying the product related to the transaction based on the weight values of the products determined from the index (e.g., p. 19, ll. 21-22).

C. Claims 5, 26, and 47

The subject matter set forth in claim 5 relates to a method, as set forth in claim 4, wherein the step of identifying the product based on the weight values further includes identifying the product related to the transaction by selecting the product having the highest weight value (e.g., p. 19, ll. 9-10; p. 20, ll. 4-5).

The subject matter set forth in claim 26 relates to a computer, as set forth in claim 25, wherein the processor is further configured to identify the product related to the transaction by selecting the product having the highest weight value (e.g., p. 19, ll. 9-10; p. 20, ll. 4-5).

The subject matter set forth in claim 47 relates to a system, as set forth in claim 46, wherein the computer means (e.g., Fig. 1, 100) for identifying the product based on the weight values further includes means (e.g., Fig. 1, 100) for identifying the product related to the transaction by selecting the product having the highest weight value (e.g., p. 19, ll. 9-10; p. 20, ll. 4-5).

D. Claims 6, 27, and 48

The subject matter set forth in claim 6 relates to a method, as set forth in claim 4, wherein the method includes updating the weight values based on an accuracy determination of the corresponding associations (e.g., p. 22, l. 2 - p. 23, l. 9).

The subject matter set forth in claim 27 relates to a computer, as set forth in claim 25, wherein the processor is further configured to update the weight values based on an accuracy determination of the corresponding associations (e.g., p. 22, l. 2 - p. 23, l. 9).

The subject matter set forth in claim 48 relates to a system, as set forth in claim 46, wherein the system further includes means (e.g., Fig. 1, 100) for updating the weight values based on an accuracy determination of the corresponding associations (e.g., p. 22, l. 2 - p. 23, l. 9).

E. Claims 8, 29, and 50

The subject matter set forth in claim 8 relates to computer, as set forth in claim 28, wherein each of the product indexes includes a weight value for each association of a particular product to a portion of the received purchasing data (e.g., p. 20, ll. 5-10), wherein each weight value defines a relative accuracy of the corresponding association (e.g., p. 10, ll. 1-2), and wherein the processor is further configured to determine, from the indexes, products associated with a portion of the received purchasing data (e.g., p. 19, ll. 6-8); and identify the product related to the transaction based on the weight values of the products determined from the indexes (e.g., p. 19, ll. 21-22).

The subject matter set forth in claim 29 relates to a computer, as set forth in claim 28, wherein each of the product indexes includes a weight value for each association of a particular product to a portion of the received purchasing data (e.g., p. 20, ll. 5-10), wherein each weight value defines a relative accuracy of the corresponding association (e.g., p. 10, ll. 1-2), and wherein the processor is further configured to determine, from the indexes, products associated with a portion of the received

purchasing data (e.g., p. 19, ll. 6-8); and identify the product related to the transaction based on the weight values of the products determined from the indexes (e.g., p. 19, ll. 21-22).

The subject matter set forth in claim 50 relates to a system, as set forth in claim 49, wherein each of the product indexes includes a weight value for each association of a particular product to a portion of the received purchasing data (e.g., p. 20, ll. 5-10), wherein each weight value defines a relative accuracy of the corresponding association (e.g., p. 10, ll. 1-2), and wherein the identifying means further includes means (e.g., Fig. 1, 100) for determining, from the indexes, products associated with a portion of the received purchasing data (e.g., p. 19, ll. 6-8); and means (e.g., Fig. 1, 100) for identifying the product related to the transaction based on the weight values of the products determined from the indexes (e.g., p. 19, ll. 21-22).

F. Claims 9, 30, and 51

The subject matter set forth in claim 9 relates to a method, as set forth in claim 8, wherein the step of identifying the product based on the weight values further includes combining the weight values for each determined product from each index (e.g., p. 20, l. 7); and identifying the product related to the transaction by selecting the product having the highest combined weight value (e.g., p. 20, ll. 7-8).

The subject matter set forth in claim 30 relates to a computer, as set forth in claim 29, wherein the processor is further configured to combine the weight values for each determined product from each index (e.g., p. 20, l. 7); and identify the product related to the transaction by selecting the product having the highest combined weight value (e.g., p. 20, ll. 7-8).

The subject matter set forth in claim 51 relates to a system, as set forth in claim 50, wherein the means for identifying the product based on the weight values further includes means (e.g., Fig. 1, 100) for combining the weight values for each determined product from each index (e.g., p. 20, l. 7); and means (e.g., Fig. 1, 100) for identifying the product related to the transaction by selecting the product having the highest combined weight value (e.g., p. 20, ll. 7-8).

G. Claims 17, 38, and 59

The subject matter set forth in 17 relates to a method, as set forth in claim 1, wherein the step of processing the modified purchasing data further includes analyzing the modified purchasing data to summarize purchasing activity of the purchasing entity (e.g., Figs. 7A and 7B; p. 13, l. 4 - p. 14, l. 13).

The subject matter set forth in claim 38 relates to computer, as set forth in claim 22, wherein the processor is further configured to analyze the modified purchasing data to summarize purchasing activity of the purchasing entity (e.g., Figs. 7A and 7B; p. 13, l. 4 - p. 14, l. 13).

The subject matter set forth in claim 59 relates to a system, as set forth in claim 43, wherein the means (e.g., Fig. 1, 100) for processing the modified purchasing data further includes means for analyzing the modified purchasing data to summarize purchasing activity of the purchasing entity (e.g., Figs. 7A and 7B; p. 13, l. 4 - p. 14, l. 13).

H. Claims 21, 42, and 63

The subject matter set forth in claim 21 relates to a method, as set forth in claim 1, wherein the method includes the step of negotiating for purchases based on the processed modified purchasing data (e.g., p.14, ll. 3-4).

The subject matter set forth in claim 42 relates to a computer, as set forth in claim 22, wherein the processor is further configured to negotiate for purchases based on the processed modified purchasing data (e.g., p.14, ll. 3-4).

The subject matter set forth in claim 63 relates to a system, as set forth in claim 43, wherein the system further includes means (e.g., Fig. 1, 100) for negotiating for purchases based on the processed modified purchasing data (e.g., p.14, ll. 3-4).

VI. GROUND OF REJECTION TO BE REVIEWED

Claims 1-63 stand rejected under 35 U.S.C. § 102(e) as being anticipated by
Patent Application Publication No. US 2002/0010686 (Whitesage).

VII. ARGUMENT

A. The Rejection of Claims 1-63 Under Whitesage Should Be Reversed

1. Disclosure of Whitesage

Whitesage is directed to managing a purchasing contract “applicable to one or more contracted purchasing transactions.” ¶ [0007]. To this end, the Whitesage system creates an Entity Database storing information on the supplier and customer entities associated with the contract, and creates a Contacts Database identifying each entity’s employees assigned to the contract. ¶ [0066]. The system then defines the terms of the contract for storage in a Term Definition Database. ¶ [0067].

Once the Whitesage system establishes the databases and the contract terms, it performs certain steps to qualify those terms in producing the contract. See ¶ [0068]. For example, the system collects historical transaction data from the customer entity “for the same or similar products which are the subject of the proposed contract.” *Id.* This transaction data includes a “descriptive code of the item purchased,” as well as other information about the product transaction. ¶ [0088]. Whitesage describes, however, that such transaction data is often not standardized and may have “different formats.” ¶ [0127]; see also ¶¶ [0087], [0005]. The Whitesage system thus “normalizes the data into a common transaction format” – i.e., it reformats the data. ¶ [0087]; see also ¶ [0068]. The reformatted transaction data is then stored in a Transaction Detail Database. ¶ [0068].

After reformatting the transaction data, the system then examines each transaction data set to determine “which are identifiable or applicable to the proposed contract term.” ¶ [0069]. Whitesage describes this process with respect to Figure 9. In

particular, the system first retrieves data regarding a first individualized transaction and determines if it matches certain customer criteria. ¶ [0150]. If it does match the customer criteria, then the system determines if it matches market, supplier, product, and/or other criteria associated with that same customer criteria. *Id.* In this way, the system may “mark” a transaction as associated with a particular contract term. ¶ [0151]. If the customer criteria does not match, however, then the system will proceed to the next detailed transaction row and repeat the above process. *See id.*

2. **Claims 1, 2-3, 7, 10-16, 18-20, 22, 23-24, 28, 31-37, and 39-41: Whitesage lacks any disclosure of “receiv[ing] purchasing data from a purchasing entity,” “identify[ing] for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index,” and “modify[ing] the received purchasing data to include data representing the identified product”**

In order for a claim to be anticipated by a prior art reference under 35 U.S.C. § 102, each and every element in the claim must be found, either expressly or inherently, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Cal., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, the identical invention must be shown in as complete detail as is contained in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1929 (Fed. Cir. 1989). *See also* M.P.E.P. § 2131. Appellants submit that Whitesage does not disclose every element of the claimed invention and that the rejection under § 102(e), therefore, must be withdrawn.

Independent claims 1 and 22 patentably distinguish the invention from Whitesage by reciting, *inter alia*, “receiv[ing] purchasing data from a purchasing entity,” “identify[ing], for each transaction, a product related to the transaction by comparing the

received purchasing data with product information stored in a product index,” and “modify[ing] the received purchasing data to include data representing the identified product.”

Whitesage, in contrast, simply converts the received transaction data into a “standard format” and then matches the reformatted data to a contract term. ¶¶ [0066] - [0069]. In Whitesage, the received transaction data **already includes** product information. See ¶ [0088] (describing that “a descriptive code of the item purchased” is “acquired for each customer transaction”); ¶ [0129-0131] (describing that the inputted transaction data includes “a unique code or identifier for the product” and that the inputted data is then normalized into a “standard format”). The Whitesage system does not therefore identify a product and then modify the received transactions to include that identified product, but simply uses the already existing product criteria to reformat the transaction and to match it with a contract term. See ¶¶ [0069], [0150]. Accordingly, Whitesage entirely fails to disclose “identify[ing] a product by comparing the received purchasing data with...a product index” and then “modify[ing] the received purchasing data to include data representing the identified product,” as recited in claims 1 and 22.

In the Final Office Action, the Examiner generally cites to ¶¶ [0066] - [0068] for a disclosure of these claimed features. The cited portions of Whitesage, however, wholly fail to disclose the invention of claims 1 and 22. For instance, neither ¶¶ [0066] - [0068], nor any other part of Whitesage, describes identifying a product related to the transaction by comparing the received purchasing data with “product information stored in a product index . . . associa[ting] at least a portion of the received purchasing data with a particular product,” as claimed. Indeed, the Examiner has not even identified

what – if anything – corresponds to the claimed “product index” used to identify a product. Regardless, for the reasons given above, no such “product index” exists in Whitesage for identifying a product, as the system therein receives transaction data that **already includes** product information. See ¶ [0088], [0129-0131].

If this rejection is maintained, Appellants respectfully request that the Examiner’s Answer specifically identify what portion of Whitesage is being relied upon for a disclosure of (1) “identify[ing], for each transaction, a product related to the transaction”; (2) “comparing the received purchasing data with product information stored in a product index...[which] associates at least a portion of the received purchasing data with a particular product,” and (3) “modify[ing] the received purchasing data to include data representing the identified product,” as recited in claims 1 and 22. Without such an identification of these claimed features (which the Examiner did not do in the Final Office Action), Appellants submit that the rejection under § 102 is improper and must be withdrawn.

Since Whitesage does not disclose each and every element of claims 1 and 22, the rejection under 35 U.S.C. § 102(e) is not proper. For the foregoing reasons, Appellants submit that claims 1 and 22 are allowable and respectfully request that the Examiner withdraw the rejection of claims 1 and 22 under 35 U.S.C. § 102(e).

3. **Claims 43, 44-45, 49, 52-58, and 60-62: Whitesage lacks any disclosure of “means for receiving purchasing data from a purchasing entity,” “computer means for identifying, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index,” and “means for modifying the received purchasing data to include data representing the identified product”**

Independent claim 43 patentably distinguishes the invention from Whitesage by reciting, *inter alia*, “means for receiving purchasing data from a purchasing entity . . . computer means for identifying, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index,” and “means for modifying the received purchasing data to include data representing the identified product.” For the reasons discussed above with regard to claims 1 and 22, Whitesage does not disclose these features of claim 43.

Since Whitesage does not disclose each and every element of claim 43, the rejection under 35 U.S.C. § 102(e) is not proper. For the foregoing reasons, Appellants submit that claim 43 is allowable and respectfully request that the Examiner withdraw the rejection of claim 43 under 35 U.S.C. § 102(e).

4. **Rejection of claims 2-3, 7, 10-16, 18-20, 23-24, 28, 31-37, 39-41, 44-45, 49, 52-58, and 60-62 under 35 U.S.C. § 102(e) should be reversed because claims 2-3, 10-16, 18-20, 23-24, 31-37, 39-41, 44-45, 55-58, and 60-62 are patentable over Whitesage at least by virtue of their respective dependencies from independent claims 1, 22, and 43**

Claims 2-3, 7, 10-16, and 18-20 depend from claim 1; claims 23-24, 28, 31-37, and 39-41 depend from claim 22; and claims 44-45, 49, 52-58, and 60-62 depend from claim 43. As explained, the rejection of claims 1, 22, and 43 is not supported by the cited art. Accordingly, it follows that the rejection of claims 2-3, 7, 10-16, 18-20, 23-24,

28, 31-37, 39-41, 44-45, 49, 52-58, and 60-62 are also unsupported by the cited art.

Therefore, Appellants request that the rejection of claims 2-3, 7, 10-16, 18-20, 23-24,

28, 31-37, 39-41, 44-45, 49, 52-58, and 60-62 be reversed and the claims allowed.

5. **Claims 4, 25, and 46: Whitesage lacks any disclosure of “wherein the product index further includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association,” and “identify[ing]...the product related to the transaction based on the weight values of the products determined from the index”**

Dependent claims 4, 25, and 46 recite, “wherein the product index further includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association,” and identifying “the product related to the transaction based on the weight values of the products determined from the index.”

The Examiner refers to paragraph [0048], Figures 2b, 2c, and the accompanying text of Whitesage for an alleged teaching of the above claim elements. Paragraph [0048], however, merely describes performance requirements that must be satisfied before a contract term is satisfied or fulfilled. For example, Whitesage describes that a term rule may be set up that specifies an amount of product units purchased or a total purchase value. These term rules can then be used to gauge the performance of the particular contract. See ¶ [0148]. As to Figures 2b and 2c, they only generally describe the method for generating a purchasing contract and comparing the transaction data with the customer, market, supplier, and product criteria to determine which transactions are applicable to a contract term. See ¶¶ [0068-0069], [0150].

None of the disclosure associated with ¶ [0048] and Figures 2b and 2c, however, discloses “a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association,” as recited in claims 4, 25, and 46. Again, if this rejection is maintained, Appellants request that the Examiner’s Answer specifically identify what specific disclosure of Whitesage is being relied upon for disclosing the claimed “weight value” within the claimed “product index.” Moreover, even if the Whitesage system did disclose “weight values,” which it does not, the Whitesage system does not describe identifying a “product...based on the weight values of the products determined from the index,” as claimed. As discussed above, the Whitesage system just marks the transaction with the appropriate contract based on whether “the program finds a match on all of the term criteria.” ¶ [0150].

Since Whitesage does not disclose each and every element of claims 4, 25, and 46, the rejection under 35 U.S.C. § 102(e) is not proper. For the foregoing reasons, Appellants submit that claims 4, 25, and 46 are allowable and respectfully request that the Examiner withdraw the rejection of claims 4, 25, and 46 under 35 U.S.C. § 102(e).

6. Claims 5, 26, and 47: Whitesage lacks any disclosure of identifying “the product related to the transaction by selecting the product having the highest weight value”

Claims 5, 26, and 47 recite identifying “the product related to the transaction by selecting the product having the highest weight value.” As discussed above with regard to claims 4, 25, and 46, Whitesage does not disclose or suggest any “weight value,” much less “selecting the product having the highest weight value,” as recited in claims 5, 26, and 47. On page 7 of the Final Office Action, the Examiner further cites

paragraphs [0129-0131] for an alleged teaching of the above claims limitations. The cited portions of Whitesage, however, merely describe a data normalization process (i.e., a process of receiving transaction data and storing at least a portion of the data in accordance with a common format). This description in Whitesage of the data normalization process is not a disclosure or suggestion of “weight value,” much less selecting “the product having the highest weight value,” as recited in claims 5, 26, and 47.

Since Whitesage does not disclose each and every element of claims 5, 26, and 47, the rejection under 35 U.S.C. § 102(e) is not proper. For the foregoing reasons, Appellants submit that claims 5, 26, and 47 are allowable and respectfully request that the Examiner withdraw the rejection of claims 5, 26, and 47 under 35 U.S.C. § 102(e).

7. Claims 6, 27, and 48: Whitesage lacks any disclosure of updating “the weight values based on an accuracy determination of the corresponding associations”

Claims 6, 27, and 48 recite updating “the weight values based on an accuracy determination of the corresponding associations.” As discussed above with reference to claims 4, 25, and 46, Whitesage does not disclose or suggest any “weight value.” Again, the Examiner cites paragraphs [0129-0131] for an alleged disclosure of the above recited claim limitation. (Final Office Action, p. 7). However, the cited portions of Whitesage merely describe a data normalization process and do not disclose or suggest updating “the weight values based on an accuracy determination of the corresponding associations,” as recited in claims 6, 27, and 48.

Therefore, since Whitesage does not disclose each and every element of claims 6, 27, and 48, the rejection under 35 U.S.C. § 102(e) is not proper. For the foregoing

reasons, Appellants submit that claims 6, 27, and 48 are allowable and respectfully request that the Examiner withdraw the rejection of claims 6, 27, and 48 under 35 U.S.C. § 102(e).

8. **Claims 8, 29, and 50: Whitesage fails to disclose “wherein each of the product indexes includes a weight value for each association . . . wherein each weight value defines a relative accuracy of the corresponding association,” and identifying “the product related to the transaction based on the weight values of the products determined from the indexes”**

Claims 8, 29, and 50 recite, *inter alia*, “wherein each of the product indexes includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association,” and identifying “the product related to the transaction based on the weight values of the products determined from the indexes.”

For the reasons above with regard to claims 4, 25, and 46, Whitesage does not disclose these features of claims 8, 29, and 50. Since Whitesage does not disclose each and every element of claims 8, 29, and 50, the rejection under 35 U.S.C. § 102(e) is not proper. For the foregoing reasons, Appellants submit that claims 8, 29, and 50 are allowable and respectfully request that the Examiner withdraw the rejection of claims 8, 29, and 50 under 35 U.S.C. § 102(e).

9. Claims 9, 30, and 51: Whitesage lacks any disclosure of combining “the weight values for each determined product from each index,” and identifying “the product related to the transaction by selecting the product having the highest combined weight value”

Claims 9, 30, and 51 further recite combining “the weight values for each determined product from each index,” and identifying “the product related to the transaction by selecting the product having the highest combined weight value.”

For the reasons discussed above with regard to claims 5, 26, and 47, Whitesage does not disclose these features of claims 9, 30, and 51. Since Whitesage does not disclose each and every element of claims 9, 30, and 51, the rejection under 35 U.S.C. § 102(e) is not proper. For the foregoing reasons, Appellants submit that claims 9, 30, and 51 are allowable and respectfully request that the Examiner withdraw the rejection of claims 9, 30, and 51 under 35 U.S.C. § 102(e)..

10. Claims 17, 38, and 59: Whitesage lacks any disclosure of analyzing “the modified purchasing data to summarize purchasing activity of the purchasing entity”

Claims 17, 38 and 59 further recite analyzing “the modified purchasing data to summarize purchasing activity of the purchasing entity.” Whitesage fails to entirely disclose this claim limitation. The Examiner again cites to paragraphs [0066-0068] of Whitesage for an alleged teaching of the above cited claim limitation. (Final Office Action, p. 10). However, the cited portions describe a method of generating a purchasing contract where supplier and customer entity information is collected and stored, and various contract terms are defined. See ¶¶ [0066-0067]. Here, Whitesage simply describes identifying individual transactions and comparing the individualized transactions with the proposed contract terms to determine which transactions are

applicable to the particular contract. See ¶ [0069]. Any disclosure in Whitesage for analyzing “the modified purchasing data to summarize purchasing activity of the purchasing entity” is entirely lacking.

Appellants, therefore, respectfully request that the Examiner withdraw the rejection of claims 17, 38, and 59 under 35 U.S.C. § 102(e) since Whitesage does not disclose each and every element of claims 17, 38 and 59.

11. Claims 21, 42, and 63: Whitesage fails to disclose negotiating “for purchases based on the processed modified purchasing data”

Claims 21, 42, and 63 further recite negotiating “for purchases based on the processed modified purchasing data.” The Examiner relies on the Abstract of Whitesage for a disclosure of the above cited limitation. The Abstract of Whitesage, however, does not disclose or suggest negotiating “for purchases based on the processed modified purchasing data.” In fact, Whitesage is entirely void of any disclosure or suggestion of negotiating “for purchases based on the processed modified purchasing data,” as recited in claims 21, 42, and 63. Appellants, therefore, respectfully request that the Examiner withdraw the rejection of claims 21, 42, and 63 under 35 U.S.C. § 102(e).

B. Conclusion

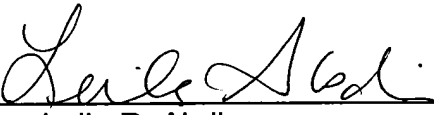
For the reasons given above, pending claims 1-63 are allowable and reversal of the Examiner's rejection is respectfully requested.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 that are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 10, 2005

By: 
Leila R. Abdi
Reg. No. 52,399

VIII. CLAIMS APPENDIX

1. (Previously Presented) A computer-implemented method for managing purchasing data, the method comprising:

receiving purchasing data from a purchasing entity, wherein the purchasing data relates to purchase transactions for a plurality of products purchased by the purchasing entity;

using a computer to identify, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index, wherein the product information in the index associates at least a portion of the received purchasing data with a particular product;

modifying the received purchasing data to include data representing the identified product; and

processing the modified purchasing data to reflect all purchase transactions concerning the identified product.

2. (Previously Presented) The method of claim 1, wherein the receiving step further includes:

determining whether the received purchasing data complies with predetermined purchasing data criteria defining data expected from the purchasing entity.

3. (Previously Presented) The method of claim 1, wherein the receiving step further includes:

formatting the received purchasing data to comply with predetermined data storage requirements.

4. (Previously Presented) The method of claim 1, wherein the product index further includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association, and wherein the product identifying step further includes:

determining, from the index, products associated with a portion of the received purchasing data; and

identifying the product related to the transaction based on the weight values of the products determined from the index.

5. (Previously Presented) The method of claim 4, wherein the step of identifying the product based on the weight values further includes:

identifying the product related to the transaction by selecting the product having the highest weight value.

6. (Previously Presented) The method of claim 4, wherein the method includes:

updating the weight values based on an accuracy determination of the corresponding associations.

7. (Previously Presented) The method of claim 1, wherein the product identifying step further includes:

comparing the received purchasing data with product information stored in a plurality of product indexes, wherein each index associates different portions of the received purchasing data with products; and

identifying the product related to the transaction based on the comparisons with the product information in each of the plurality of indexes.

8. (Previously Presented) The method of claim 7, wherein each of the product indexes includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association, and wherein the identifying step further includes:

determining, from the indexes, products associated with a portion of the received purchasing data; and

identifying the product related to the transaction based on the weight values of the products determined from the indexes.

9. (Previously Presented) The method of claim 8, wherein the step of identifying the product based on the weight values further includes:

combining the weight values for each determined product from each index; and
identifying the product related to the transaction by selecting the product having the highest combined weight value.

10. (Previously Presented) The method of claim 1, further comprising:
identifying, for each transaction, a supplier associated with the particular transaction;

modifying the received purchasing data to include data representing the identified supplier; and

processing the modified purchasing data to reflect all purchase transactions concerning the identified supplier.

11. (Previously Presented) The method of claim 10, wherein the step of identifying a supplier includes:

identifying, for each transaction, a supplier associated with the transaction by comparing the received purchasing data with supplier identification information stored in a supplier database.

12. (Previously Presented) The method of claim 11, wherein the method further includes:

updating the supplier database with new supplier identification information about suppliers contained in the received purchasing data.

13. (Previously Presented) The method of claim 11, wherein the supplier identifying step further includes:

comparing the received purchasing data with supplier identification information to determine a match based on at least one of the following matching criteria: (1) an exact match between a portion of the received purchasing data with the supplier identification information; or (2) a match of a predetermined portion of the received purchasing data with the supplier identification information.

14. (Original) The method of claim 13, wherein the step of comparing the purchasing data includes determining a match based on at least one of the following supplier matching criteria: (1) a name of a supplier; (2) an acronym formed from a

supplier's name; (3) an address or a portion of an address of a supplier; (4) a telephone or facsimile number of a supplier; or (5) an identification number assigned to a supplier.

15. (Original) The method of claim 14, wherein a plurality of the supplier matching criteria may be used to determine a match.

16. (Previously Presented) The method of claim 10, wherein the step of identifying a supplier further includes:

assigning a supplier identification code corresponding to the identified supplier of each transaction; and

wherein the step of processing the modified purchasing data further includes the substep of sorting the transactions according to the assigned supplier identification code.

17. (Previously Presented) The method of claim 1, wherein the step of processing the modified purchasing data further includes:

analyzing the modified purchasing data to summarize purchasing activity of the purchasing entity.

18. (Original) The method of claim 1, wherein the index associates products with information on suppliers included in the received purchasing data.

19. (Original) The method of claim 1, wherein the index associates products with textual information included in the received purchasing data.

20. (Original) The method of claim 1, wherein the index associates products with an identification code included in the received purchasing data.

21. (Original) The method of claim 1, wherein the method includes the step of: negotiating for purchases based on the processed modified purchasing data.

22. (Previously Presented) A computer for managing purchasing data, the computer comprising:

a memory having program instructions; and

a processor, responsive to the programming instructions, configured to:

receive purchasing data from a purchasing entity, wherein the purchasing data relates to purchase transactions for a plurality of products purchased by the purchasing entity, wherein the received purchasing data does not include data identifying each product corresponding to each transaction;

identify, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index;

modify the received purchasing data to include data representing the identified product; and

process the modified purchasing data to reflect all purchase transactions concerning the identified product.

23. (Original) The computer of claim 22, wherein the processor is further configured to:

determine whether the received purchasing data complies with predetermined purchasing data criteria defining data expected from the purchasing entity.

24. (Original) The computer of claim 22, wherein the processor is further configured to:

format the received purchasing data to comply with predetermined data storage requirements.

25. (Original) The computer of claim 22, wherein the product index further includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association, and wherein the processor is further configured to:

determine, from the index, products associated with a portion of the received purchasing data; and

identify the product related to the transaction based on the weight values of the products determined from the index.

26. (Original) The computer of claim 25, wherein the processor is further configured to:

identify the product related to the transaction by selecting the product having the highest weight value.

27. (Original) The computer of claim 25, wherein the processor is further configured to:

update the weight values based on an accuracy determination of the corresponding associations.

28. (Previously Presented) The computer of claim 22, wherein the processor is further configured to:

compare the received purchasing data with product information stored in a plurality of product indexes, wherein each index associates different portions of the received purchasing data with products; and

identify the product related to the transaction based on the comparisons with the product information in each of the plurality of indexes.

29. (Original) The computer of claim 28, wherein each of the product indexes includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association, and wherein the processor is further configured to:

determine, from the indexes, products associated with a portion of the received purchasing data; and

identify the product related to the transaction based on the weight values of the products determined from the indexes.

30. (Original) The computer of claim 29, wherein the processor is further configured to:

combine the weight values for each determined product from each index; and

identify the product related to the transaction by selecting the product having the highest combined weight value.

31. (Original) The computer of claim 22, wherein the processor is further configured to:

identify, for each transaction, a supplier associated with the particular transaction;

modify the received purchasing data to include data representing the identified supplier; and

process the modified purchasing data to reflect all purchase transactions concerning the identified supplier.

32. (Original) The computer of claim 31, wherein the processor is further configured to:

identify, for each transaction, a supplier associated with the transaction by comparing the received purchasing data with supplier identification information stored in a supplier database.

33. (Original) The computer of claim 32, wherein the processor is further configured to:

update the supplier database with new supplier identification information about suppliers contained in the received purchasing data.

34. (Previously Presented) The computer of claim 33, wherein the processor is further configured to:

compare the received purchasing data with supplier identification information to determine a match based on at least one of the following matching criteria: (1) an exact match between a portion of the received purchasing data with the supplier identification information; or (2) a match of a predetermined portion of the received purchasing data with the supplier identification information.

35. (Original) The computer of claim 34, wherein the processor is further configured to determine a match based on at least one of the following supplier matching criteria: (1) a name of a supplier; (2) an acronym formed from a supplier's name; (3) an address or a portion of an address of a supplier; (4) a telephone or facsimile number of a supplier; or (5) an identification number assigned to a supplier.

36. (Original) The computer of claim 35, wherein the processor is further configured to use a plurality of the supplier matching criteria to determine a match.

37. (Original) The computer of claim 31, wherein the processor is further configured to:

assign a supplier identification code corresponding to the identified supplier of each transaction; and

sort the transactions according to the assigned supplier identification code.

38. (Previously Presented) The computer of claim 22, wherein the processor is further configured to:

analyze the modified purchasing data to summarize purchasing activity of the purchasing entity.

39. (Original) The computer of claim 22, wherein the index associates products with information on suppliers included in the received purchasing data.

40. (Original) The computer of claim 22, wherein the index associates products with textual information included in the received purchasing data.

41. (Original) The computer of claim 22, wherein the index associates products with an identification code included in the received purchasing data.

42. (Original) The computer of claim 22, wherein the processor is further configured to:

negotiate for purchases based on the processed modified purchasing data.

43. (Previously Presented) A computer-implemented system for managing purchasing data, the system comprising:

means for receiving purchasing data from a purchasing entity, wherein the purchasing data relates to purchase transactions for a plurality of products purchased by the purchasing entity;

computer means for identifying, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored

in a product index, wherein the product information in the index associates at least a portion of the received purchasing data with a particular product;

means for modifying the received purchasing data to include data representing the identified product; and

means for processing the modified purchasing data to reflect all purchase transactions concerning the identified product.

44. (Previously Presented) The system of claim 43, wherein the receiving means further includes:

means for determining whether the received purchasing data complies with predetermined purchasing data criteria defining data expected from the purchasing entity.

45. (Original) The system of claim 43, wherein the receiving means further includes:

means for formatting the received purchasing data to comply with predetermined data storage requirements.

46. (Previously Presented) The system of claim 43, wherein the product index further includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association, and wherein the product identifying means further includes:

means for determining, from the index, products associated with a portion of the received purchasing data; and

means for identifying the product related to the transaction based on the weight values of the products determined from the index.

47. (Original) The system of claim 46, wherein the computer means for identifying the product based on the weight values further includes:

means for identifying the product related to the transaction by selecting the product having the highest weight value.

48. (Original) The system of claim 46, wherein the system further includes:

means for updating the weight values based on an accuracy determination of the corresponding associations.

49. (Previously Presented) The system of claim 43, wherein the product identifying means further includes:

means for comparing the received purchasing data with product information stored in a plurality of product indexes, wherein each index associates different portions of the received purchasing data with products; and

means for identifying the product related to the transaction based on the comparisons with the product information in each of the plurality of indexes.

50. (Original) The system of claim 49, wherein each of the product indexes includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association, and wherein the identifying means further includes:

means for determining, from the indexes, products associated with a portion of the received purchasing data; and

means for identifying the product related to the transaction based on the weight values of the products determined from the indexes.

51. (Previously Presented) The system of claim 50, wherein the means for identifying the product based on the weight values further includes:

means for combining the weight values for each determined product from each index; and

means for identifying the product related to the transaction by selecting the product having the highest combined weight value.

52. (Original) The system of claim 43, further comprising:

means for identifying, for each transaction, a supplier associated with the particular transaction;

means for modifying the received purchasing data to include data representing the identified supplier; and

means for processing the modified purchasing data to reflect all purchase transactions concerning the identified supplier.

53. (Original) The system of claim 52, wherein the means for identifying a supplier further means for identifying, for each transaction, a supplier associated with the transaction by comparing the received purchasing data with supplier identification information stored in a supplier database.

54. (Original) The system of claim 53, wherein the system further includes:

means for updating the supplier database with new supplier identification information about suppliers contained in the received purchasing data.

55. (Previously Presented) The system of claim 53, wherein the supplier identifying means further includes:

means for comparing the received purchasing data with supplier identification information to determine a match based on at least one of the following matching criteria: (1) an exact match between a portion of the received purchasing data with the supplier identification information; or (2) a match of a predetermined portion of the received purchasing data with the supplier identification information.

56. (Original) The system of claim 55, wherein the means for comparing the purchasing data includes means for determining a match based on at least one of the following supplier matching criteria: (1) a name of a supplier; (2) an acronym formed from a supplier's name; (3) an address or a portion of an address of a supplier; (4) a telephone or facsimile number of a supplier; or (5) an identification number assigned to a supplier.

57. (Original) The system of claim 56, wherein a plurality of the supplier matching criteria may be used to determine a match.

58. (Original) The system of claim 52, wherein the means for identifying a supplier further includes:

means for assigning a supplier identification code corresponding to the identified supplier of each transaction; and

wherein the means for processing the modified purchasing data further includes means for sorting the transactions according to the assigned supplier identification code.

59. (Original) The system of claim 43, wherein the means for processing the modified purchasing data further includes:

means for analyzing the modified purchasing data to summarize purchasing activity of the purchasing entity.

60. (Original) The system of claim 43, wherein the index associates products with information on suppliers included in the received purchasing data.

61. (Original) The system of claim 43, wherein the index associates products with textual information included in the received purchasing data.

62. (Original) The system of claim 43, wherein the index associates products with an identification code included in the received purchasing data.

63. (Original) The system of claim 43, wherein the system further includes:
means for negotiating for purchases based on the processed modified purchasing data.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE